

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ALENA KRILEY,

Plaintiff,

V.

CHARLIE BROWNE, JAMIE PHIFER,
STAFF MEMBER UNKNOWN NAME,
ALL WOMEN'S CARE,

Defendant.

CASE NO. 2:21-cv-01176-JHC

ORDER DENYING SECOND MOTION
FOR EXTENSION OF TIME

CHARLIE BROWNE, JAMIE PHIFER,
STAFF MEMBER UNKNOWN NAME,
ALL WOMEN'S CARE.

Defendant.

This matter comes before the Court on Plaintiff's Second Motion for Extension of Time to File Opposition to Rule 12(b)(6) Motion. Dkt. # 24. The Court has considered the motion and the file herein. Being fully advised, the Court DENIES the motion.

In response to Plaintiff's Emergency Motion for Extension of Time, which Defendants opposed, the Court extended the deadline for her opposition by one week. Plaintiff's claimed reasons for seeking a second extension of time include: (1) that she has a deadline before the Seventh Circuit Court of Appeals on May 23, 2022, the same day her opposition in this case is now due; (2) that she is not physically capable of completing her opposition before May 23, 2022 because of constant pain; (3) that she has limited English proficiency and no education in law; and (4) that this case is legally complex. Dkt. # 24 at 2–3.

The Court concludes that Plaintiff has not shown good cause to further extend the deadline. Defendants moved to dismiss under Fed. R. Civ. P. 12(b)(6) on April 26, 2022. Dkt. # 16. The Court granted Plaintiff an extension to file an opposition to the motion until May 23, 2022. Dkt. # 22. Therefore, Plaintiff will have had 27 days to prepare her opposition. The Court notes that Plaintiff has had sufficient time to research and prepare two motions for extensions of time, as well as a reply in conjunction with her first motion, in the last four days. Dkt. # 18; 23; 24. The Court further notes that Plaintiff's affidavit at Exhibit B supports some but not all of the factual assertions in her motion. Dkt. # 24-2.¹ The motion therefore does not comply with LCR 7(b)(1), which provides that if a motion requires consideration of facts not appearing of record, "the movant shall also serve and file copies of all affidavits, declarations, photographic or other evidence presented in support of the motion."

The Court declines to further extend the deadline for Plaintiff's opposition to Defendants' motion to dismiss.

Dated this 20th day of May, 2022,

John H. Chun
John H. Chun
United States District Judge

¹ Plaintiff's previously filed Emergency Motion for Extension of Time was unsupported by any affidavit or declaration. Dkt. # 18.